



**WELCOME TO THE NEIGHBORHOOD: THE  
IMPORTANCE OF GETTING TO KNOW YOUR  
NEIGHBORS WHEN DOING CONSTRUCTION**



**NATIONAL  
LAW INSTITUTE**  
Continuing Legal Education



WELCOME TO THE NEIGHBORHOOD

Laurie A. Stanziale, Esq.

LEED Green Associate

Tarter Krinsky & Drogin LLP

1350 Broadway

New York, New York 10018

Telephone: 212.216.1175

Facsimile: 212.216.8001

[lstanziale@tarterkrinsky.com](mailto:lstanziale@tarterkrinsky.com)

[www.tarterkrinsky.com](http://www.tarterkrinsky.com)



## 1. Overview

- Why Neighbors/Adjoining Property Owners (“APOs”) Play a Key Role in Metropolitan Development
- Objective of This Course

## 2. Who Are Your APOs?

- How to Find Out Who Owns the Property – Mr. Jones or Goliath Corp.?
- What Type of Ownership It Is – Individual, Corporate, Condominium, Cooperative?
- What Type of Building It Is – Residential, Commercial, Retail?
- Is there a ZLDA?

### 3. How Will APOs be Affected by Construction?

- Timeline of Construction - length of access, seasons, etc.
- Pre-Construction Survey
- Monitoring
- Underpinning, Stabilization
- Fences/Sidewalk Sheds
- Rooftop Protection
- Courtyard/Terrace/Walkway Protection
- Window Protection
- Weatherproofing

## 4. Pre-Construction Survey

- Non-invasive – Photos and Narrative, Video
- Creates Baseline Conditions of APO' s Property
- Mind the van Gogh

## 5. Monitoring – Shake, Rattle and Roll

- Required for Excavation Operations
- Extra Protections for Landmark-Buildings
  - Crack
  - Vibration
  - Tilt

## 6. Underpinning, Stabilization

- Usually Permanent
- Subsurface
- Potential for Greatest Impact If Done Incorrectly
- Potential for Least Impact If Done Correctly
- Cannot Use RPAPL 881



## 7. Fences/Sidewalk Sheds

- Protects Public and APO from Construction
- 5-Foot Shed v. 20-Foot Shed
- Whose Property is the Sidewalk?

## 8. Rooftop Protection

- Blacktop or Designer Pool Plaza?
- Skylights/Gardens
- Load Calculations Must Be Performed

## 9. Yard/Terraces

- NYC's Precious Commodity is Not Easily Parted With
- Loss of Use of Space
- Zone of Influence/Restricted Access

## 10. Window Protection

- Netting
- Steel Grating

## 11. Other Uses of Light and Air – Think Long Term, Don't Be Short-Sighted

- Swing of Crane
- Protrusions from Hoist, Scaffolds
- Window Washing Rigs

## 12. Weatherproofing

- Flashing
- Sealants
- Aesthetic Considerations
- Runoff

## 13. Lot Line Windows

- APO Responsibility
- Fire Safety
- Security

## 14. Chimneys – APOs Can Huff and Puff!

- Can be Contentious
- Code is Difficult to Interpret
- Perpetual Costs
- Fuel Changes



## 15. Elements of License Agreement

- License v. Easement
- Indemnity - be wary of economic loss exposure
- Insurance
- Cooperation
- Fees
- Damages

## 16. When All Else Fails, Lady Justice May Be Able to Help

- Know the Risks and the Timeline
- RPAPL 881
- Case Law
- Reluctance of Judges



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